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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**DAVID VAN ELZEN and RONALD
RODRIGUEZ**, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

TAX GROUP CENTER, INC., a California
corporation,

Defendant.

Case No. 4:17-cv-01105-HSG

STIPULATION OF DISMISSAL

Plaintiffs David Van Elzen and Ronald Rodriguez (“Plaintiffs”) and Defendant Tax
Group Center, Inc. (“Defendant” or “TGC”), through their counsel, stipulate as follows:

1. Plaintiffs filed this putative class action against Defendant.
2. Plaintiffs have agreed to dismiss their individual claims against TGC with
prejudice.
3. The dismissal of this case is without prejudice as to all putative, unidentified class
members, if any.
4. Fed. R. Civ. P. 41(a)(1)(A)(ii) allows the parties to stipulate to the dismissal of an
action at any time. Rule 23(e) does not limit the right to stipulate to dismissal of this action
because it only applies to certified classes, and no class has been certified in this matter. No
notice is required to putative class members under Rule 23(e) since the dismissal of Plaintiff’s
individual claims does not bind them in any way.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiffs and Defendant agree
that the action shall be dismissed in its entirety and with prejudice with respect to the claims

1 alleged by Plaintiffs individually against Defendant, and without prejudice as to any claims
2 alleged by the putative, uncertified class against Defendant.

3 Plaintiffs and Defendant further agree that each party shall bear his or its own costs and
4 attorney fees.

5 IT IS SO STIPULATED.

6
7 DATED: August 9, 2017

KRONENBERGER ROSENFELD, LLP

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9 By: /s/ Jeffrey M. Rosenfeld
Jeffrey M. Rosenfeld

10 Attorneys for Defendant Tax Group Center, Inc.

11
12 DATED: August 9, 2017

WOODROW & PELUSO, LLC

13
14 By: /s/ Patrick H. Peluso
Patrick H. Peluso*

15 One of the Attorneys for Plaintiffs
16 *Admission Pro Hac Vice

17 **ATTESTATION OF CONCURRENCE IN FILING**

18 Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the filing of
19 this document has been obtained from each of the other signatories, which shall serve in lieu of
20 their signatures on the document.
21

22 /s/ Patrick H. Peluso
23 Patrick H. Peluso
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